

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

JOHN H RAMIREZ,

Petitioner,

VS.

RICK THALER,

Respondent.

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MISCELLANEOUS ACTION NO. C-12-502

ORDER

John H. Ramirez, an inmate on Texas' death row, has filed a motion for the appointment of counsel. (D.E. 1). Under 18 U.S.C. § 3599(a)(2), "any [capital habeas petitioner] who is or becomes financially unable to obtain adequate representation . . . shall be entitled to the appointment of one or more attorneys." Ramirez, however, has not yet filed an *in forma pauperis* application indicating his indigence and, therefore, his entitlement to appointed counsel.

This Court conditionally finds that federal law entitles Ramirez the appointment of federal habeas counsel. The Court conditionally authorizes Ramirez to proceed in federal court without the payment of fees. The Court **APPOINTS** the following attorney to represent Ramirez throughout his federal habeas proceedings:

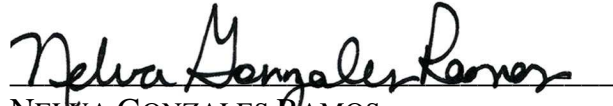
Michael C. Gross
106 South St. Mary's Street, Suite 260
San Antonio, Texas 78205
210-354-1919
210-354-1920 (FAX)
lawofcmg@flash.net

Mr. Gross will be compensated at the rate of \$178 per hour, pursuant to 18 U.S.C. § 3599(g)(1). Mr. Gross may submit requests for interim payment for his work.

Ramirez can fulfill the conditions of this appointment by filing a motion to proceed *in forma pauperis* with an accompanying showing of indigency within thirty (30) days from the entry of this Order.

The Clerk will deliver a copy of this Order to the parties.

ORDERED this 19th day of October, 2012.


NELVA GONZALES RAMOS
UNITED STATES DISTRICT JUDGE